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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/020,994 | 12/19/2001 | Kouichi Ito | 111374 | 8887 |

25944 7590 01/02/2003

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| EXAMINER |
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PRINCE, FRED G

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| ART UNIT | PAPER NUMBER |
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1724

DATE MAILED: 01/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,994

Applicant(s)

ITO ET AL.

Examiner

Fred Prince

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Specification***

1. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-7, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al.

Yoshida et al., directed toward a filter, teach a filter member (12) forming two opposed surfaces (Fig. 1), a porous member (31) contained in the filter member, a coupling member (20) in communication with the porous member, wherein the filter member and the porous member form a three-layer assembly and a four-layer

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assembly (Fig. 1), the filter member may be made of a non-woven fabric and a mesh screen (col. 2, lines 61-63), and the coupling is provided on the side face of the filter member.

4. Claims 1-3, 6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shepherd.

Shepherd, directed toward a filter, teaches a filter member (32) forming two opposed surfaces (Fig. 2), a porous member (31) contained in the filter member, a coupling member (21) in communication with the porous member, wherein the filter member and the porous member form a three-layer assembly and a four-layer assembly (Fig. 2), the filter member may be made of a mesh fabric (col. 5, lines 54-57), and the coupling is provided on the upper filter member and extends to the lower member (Fig. 2).

5. Claims 1-3, 5, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mies, Jr. et al.

Mies, Jr. et al., directed toward a filter, teach a filter member (70) forming two opposed surfaces (Fig. 4), a porous member (50, 62) contained in the filter member, a coupling member (Fig. 4) in communication with the porous member, wherein the filter member and the porous member form a three-layer assembly and a four-layer assembly (Fig. 4), the filter member may be made of paper (col. 4, lines 8-11), and the coupling is provided on the upper filter member and extends to the lower member (Fig. 4).

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6. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bivens.

Bivens, directed toward a filter, teaches a filter member (12) forming two opposed surfaces (Fig. 11), a porous member (158) contained in the filter member, a coupling member (16) in communication with the porous member, wherein the filter member and the porous member form a three-layer assembly or a four-layer assembly made by bending the porous member (Fig. 11), the filter member may be made of mesh material, and the coupling is provided on the upper filter member and extends to the lower member (Fig. 11).

7. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Maignen.

Maignen, directed toward a filter, teaches a filter member (D) forming two opposed surfaces (Fig. 1), a porous member (A) contained in the filter member, a coupling member (B) in communication with the porous member, wherein the filter member and the porous member form a three-layer assembly or a four-layer assembly (Fig. 1), the filter member may be made of mesh material, and the coupling is provided on the upper filter member and extends to the lower member (Fig. 1).

8. Claims 1, 3, and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Pall.

Pall, directed toward a filter, teaches a filter member (5,7) forming two opposed surfaces (Fig. 3), a porous member (1,2) contained in the filter member, a coupling member (14) in communication with the porous member, wherein the filter member and

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the porous member form a four-layer assembly (Fig. 3), the filter member may be made of a non-woven fabric (col. 6, line 9).

9. Claims 1-2, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto et al.

Hashimoto et al., directed toward a filter, teach a filter member (15, 8b) forming two opposed surfaces (Fig. 3), a porous member (8a) contained in the filter member, a coupling member (12) in communication with the porous member, wherein the filter member and the porous member form a three-layer assembly, the filter member may be made of a mesh fabric (col. 5, line 26), and the coupling is provided on a side face of the filter member (Fig. 3).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (703) 306-9169. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons can be reached on (703) 308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Fred Prince
Fred Prince
Patent Examiner
Art Unit 1724
December 30, 2002